

**CONFERENCE COMMITTEE REPORT
DIGEST FOR ESB 466**

Citations Affected: IC 9-30-7-3.

Synopsis: Conference committee report for ESB 466. Provides that a motorist impliedly consents to submit to a portable breath test offered by a law enforcement officer. Specifies that the law enforcement officer must offer a motorist who fails a portable breath test a chemical test. Requires a law enforcement officer to offer a chemical test to a person who the officer has reason to believe operated a vehicle that was involved in a fatal accident or an accident involving serious bodily injury to determine if alcohol, a controlled substance, or a drug is present in the person's body. (This conference committee report: (1) specifies that a law enforcement officer shall offer a chemical test to a person whom a law enforcement officer has probable cause to believe is under the influence of a controlled substance or drug; and (2) requires a law enforcement officer to offer a chemical test to a person who has refused a portable breath test.)

Effective: July 1, 2001.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT:

Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 466 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Page 2, delete lines 2 through 17, begin a new paragraph and insert:
- 2 "SECTION 3. IC 9-30-7-3 IS AMENDED TO READ AS FOLLOWS
- 3 [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) A law enforcement officer
- 4 ~~may~~ **shall** offer a **portable breath test or** chemical test to any person
- 5 who the officer has reason to believe operated a vehicle that was
- 6 involved in a fatal accident or an accident involving serious bodily
- 7 injury. **If:**
- 8 **(1) the results of a portable breath test indicate the presence of**
- 9 **alcohol;**
- 10 **(2) the results of a portable breath test do not indicate the**
- 11 **presence of alcohol but the law enforcement officer has**
- 12 **probable cause to believe the person is under the influence of**
- 13 **a controlled substance or another drug; or**
- 14 **(3) the person refuses to submit to a portable breath test;**
- 15 **the law enforcement officer shall offer a chemical test to the**
- 16 **person.**
- 17 (b) A law enforcement officer may offer a person more than one (1)
- 18 **portable breath test or** chemical test under this section. However, all
- 19 chemical tests must be administered within three (3) hours after the
- 20 fatal accident or the accident involving serious bodily injury.
- 21 (c) It is not necessary for a law enforcement officer to offer a

- 1 **portable breath test or** chemical test to an unconscious person".
 (Reference is to ESB 466 as printed April 9, 2001.)

Conference Committee Report
on
Engrossed Senate Bill 466

Signed by:

Senator Wyss
Chairperson

Representative Dvorak

Senator Alexa

Representative Young D

Senate Conferees

House Conferees